

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID CAPELES,

Plaintiff,

Case No. 06-13616

v.

District Judge John Corbett O'Meara
Magistrate Judge R. Steven Whalen

MDOC, et al.,

Defendants.

ORDER

Before the Court are Defendant's Motion for Protective Order [Docket #19], Plaintiff's Motion for Appointment of Counsel [Docket #23] and Plaintiff's Request for Investigation [Docket #21].

On January 19, 2006, Plaintiff died. Defendants filed and properly served a Suggestion of Death, pursuant to Federal Rule of Civil Procedure Rule 25(a)(1), and on August 28, 2007, the undersigned filed a Report and Recommendation that the case be dismissed. Accordingly,

Defendant's Motion for Protective Order [Docket #19] is DENIED.

Plaintiff's Motion for Appointment of Counsel [Docket #23] is DENIED.

Plaintiff's Request for Investigation [Docket #21] is DENIED.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: August 29, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on August 29, 2007.

S/G. Wilson
Judicial Assistant